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a vertical bore through the vertical position of the "C" of said clamp body for receiving a cable to be suspended from said overhead beam;
a conical end portion at the lower part of said bore;
a wedge retainer vertically movable within said bore;
wedges retained by said wedge retainer to contact said cable within said bore and to be forced against said cable by said conical end portion of said bore when said retainer is at the lower part of said bore; and
a spring to urge said wedge retainer downwardly relative to said bore.

REMARKS

Applicant's attorney notes with appreciation the courteous telephone interview conducted by Examiner Korie H. Chan on December 9, 2002. During the interview Examiner Chan advised that there was no issue of indefiniteness in this case at the present time. She also indicated that it would be acceptable to withhold filing of formal drawings until allowable subject matter is found in the application.

During the telephone interview Applicant's attorney again affirmed the election of species "d" as set forth in the Office Action and herewith confirms that election in writing. Applicant elects the support of Figure 9 with the clamp of Figures 1 – 3 and claims 3 – 5, 8 – 10, and 14 – 16 which read on those Figures for prosecution in this application. The remaining claims will be held in abeyance pending the filing of divisional applications.

Turning to the rejection of the claims on the merits, Applicant has canceled claim 1. Claim 3 has been rewritten to include all the limitations of claim 1 and, in addition, has been amended to define the bore in the clamp as being through “the vertical portion of the ‘C’ of” the clamp body. Claims 3 – 5, 8, 14, and 15 stand rejected as unpatentable over Redman et al. ‘890 in view of Arakawa ‘698. Claims 9, 10, and 16 are rejected over Redman et al. and Arakawa ‘698 further in view of Sword ‘792.

The amendment to claim 3 further distinguishes over Redman et al. in that Redman does not have the bore through the vertical portion of the “C” of the clamp, but rather has it at a distance from the vertical portion of the “C” so that a moment is created tending to twist the clamp from the beam to which it is attached. The clamp of claim 3 is an improvement.

More importantly, Applicant questions the propriety of combining the references to reject the claims of this application both with respect to the physical combination of the disclosed devices and with respect to the legal requirements of combining the references.

Physical Combination of References

The Examiner combines Redman et al. and Arakawa ‘698 to reject claims 3 – 5, 8, 14, and 15. Redman et al. show a flat strap 21 (see Figure 2) that has serrated edges to enable a threaded nut to engage the strap. There is no way that a flat strap can be used with the locking device of Arakawa ‘698. Further, the locking device of ‘698 does not have a clamp which would clamp to the beam. The addition of Sword to reject claims 9, 10, and 16 further serves to demonstrate that hindsight has been employed to select, piecemeal, from the prior art elements of Applicant’s invention to reject the claims.

Legal Requirements to Combine References

In order to properly combine references to reject a claimed invention, the references themselves must suggest the desirability of the combination. See: *In re Laskowski*, 10 USPQ 2d. 1397 (CAFC, 1989) and the cases cited therein. As set forth in *In re Laskowski*, the “mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” As further stated in *In re Laskowski*, “there must be some logical reason apparent from positive, concrete evidence of record which justifies a combination of primary and secondary references”; and still further, “obviousness cannot be established by combining pieces of prior art absent some teaching, suggestion, or incentive supporting the combination.”

In the present application, the physical combination of the Redman and Arakawa ‘698 references is impossible as has been demonstrated above. Accordingly, neither reference has any suggestion contained therein that it could or should be combined with the other. It is only Applicant’s invention that suggests the piecemeal, hindsight combination of references to reject the claims. The Sword reference shows a sling to haul logs. This reference could not be applicable to the combination that rejects dependent claims 9, 10, and 16 absent the teaching of Applicant’s own invention.

The additional references of record have been reviewed by Applicant’s counsel and, it is respectfully submitted, the claims now being considered are patentable over those references and any proper combination of those references.

The Examiner is respectfully requested to reconsider the rejection of claims 3 – 5, 8 – 10, and 14 – 16 in view of the foregoing Amendment and the remarks set forth above. The

Examiner is invited to telephone Applicant's attorney at (412) 653-1542 if she believes it would promote an agreement on allowable subject matter.

Respectfully submitted,



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Serial No. 10/085,543
Title: "Cable Support Systems"

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIM

3. [The clamp of claim 1 wherein said means to restrict the downward movement of said cable relative to said clamp body comprises:]

A clamp for a cable support system to suspend an object from an overhead beam comprising:

a generally "C" shaped clamp body;

a threaded fastener threadingly received within one leg of said "C" shaped

body to clamp said "C" shaped body onto said overhead beam;

a vertical bore through the vertical position of the "C" of said clamp body

for receiving a cable to be suspended from said overhead beam;

a conical end portion at the lower part of said bore;

a wedge retainer vertically movable within said bore;

wedges retained by said wedge retainer to contact said cable within said bore and

to be forced against said cable by said conical end portion of said bore

when said retainer is at the lower part of said bore; and

a spring to urge said wedge retainer downwardly relative to said bore.